Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN **2 5** 2005

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

parte MICHELLE Y. KIM and PETER H. WESTERINK

Application No. 09/200,985

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent
Appeals and Interferences (hereinafter the "Board") on
November 5, 2004. A review of the application has revealed that
the application is not ready for docketing as an appeal.
Accordingly, the application is herewith being returned to the
examiner. The matters requiring attention prior to docketing are
identified below:

On February 9, 2004, appellants filed an Appeal Brief (Paper No. 25). On May 3, 2004, the examiner mailed an Examiner's Answer (Paper No. 26) in response to appellants' Brief. On page 4, section (8) of the Answer, the examiner states that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct. However, a review of the Appendix to

Application No. 09/200,985

the Brief reveals that claim 1 is not the correct copy according to the latest amendment filed on December 10, 2002 (Paper No. 13).

Accordingly, it is

ORDERED that the application is returned to the examiner for notifying appellants to submit a corrected Appendix to the Brief, or for the examiner to submit a corrected copy of claim 1 on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS

AND INTERFERENCES

DALE M. SHAW

Program and Resource Administrator

(571) 272-9797

cc: McGuire Woods, LLP 1750 Tysons Blvd. Suite 1800 McLean, VA 22102-4215

DMS/clm/mj RA05~0169